# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 2268 of 1994

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**NAGJIBHAI MADHABHAI DESAI - Petitioner(s)**

**Versus**

**COLLECTOR BANASKANTHA & 4 - Respondent(s)**

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**Appearance :**

MS KUSUM M SHAH for Petitioner(s) : 1,
MR PD BHATE ASST GOVERNMENT PLEADER for Respondent(s) : 1 - 4.
RULE SERVED for Respondent(s) : 5,

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**CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**

**Date : 07/09/2005**

**ORAL JUDGMENT**

1. In this petition under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the

Collector, Banaskantha dated 3.2.1994 deleting the the land admeasuring 100 acres from the land bearing Survey No.480 paiki situated at village Dama, Taluka-Deesa, District-Banaskantha from Gauchar land entrusted to the Panchayat and transferring it for rehabilitation of the affected persons who are affected due to acquisition of the land for Deesa Air Field. It is contention on behalf of the petitioner – Panchayat that they are ready and willing to give land admeasuring 80 Acres from the land bearing Survey No.480 paiki and the remaining lands admeasuring 20 acres can be taken from Gauchar land situated from adjacent village, more particularly, Survey No.369.

2. At this stage, Shri Sunil K. Shah, learned advocate has submitted that the petitioner panchayat would like to the make representation to the Collector, Banaskantha with aforesaid proposal but requests that the same may be directed to be considered by the Collector and in above view of the submission, seeks permission to withdraw the present special civil application. Considering the facts and

circumstances of the case, as and when such representation is made by the petitioner – Panchayat to the Collector, it is directed that the same be considered in accordance with law and on merits and considering the availability of another land as early as possible. However, it is made clear that this Court has not expressed any opinion on the merits of the case with regard to above such proposal and it is ultimately for the Collector, Banaskantha to consider in accordance with law and on merits.

3. With aforesaid observations and directions, the present special civil application is dismissed as withdrawn.

4. Rule is discharged. Interim relief, if any, stands vacated forthwith.

[ M.R.Shah, J. ]

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